

REMARKS

Claims 1-20 are pending in the application. No amendments have been made to said claims.

The Examiner states that DE 4036484 and DE 4110893 submitted in the Information Disclosure Statement filed September 29, 2006 did not contain a concise explanation of the relevance and were not considered. Accordingly, a Supplemental Information Disclosure Statement is submitted herewith containing English machine translations of said documents obtained from an EPO database. Consideration thereof is earnestly solicited.

Regarding Item 3 of the Office Action (paragraph [0017]) and the Examiner stating that in view of the presence of a galvanic cell, the construction would necessarily include electrical components and is contrary to page 6, lines 8-9 of paragraph [0017], said lines have been amended in order to indicate there are no external arrangements of electrical components and, therefore, operation under water is possible in order to remove the rejection.

Claims 8 and 20 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Examiner states that the subject matter is not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. The Examiner further states that the engine control mechanism is mentioned in paragraphs [0019] and [0024] and that he desires clarification of the operations of the engine control mechanism as it relates to the claimed invention.

Paragraph [0019] has been supplemented based on the description as filed including paragraphs [0018] and [0024] to further define that the engine control mechanism operates the drive unit of the grease cartridge so that the desired quantity of grease is controlled directly, e.g., a start or stop function of the drive unit. Therefore, it is believed that claims 8 and 20 meet the enablement requirement as it was indicated that the engine control mechanism can operate the drive unit of the grease cartridge in order to control the quantity of grease directly. Accordingly, removal of the 35 U.S.C. § 112, first paragraph rejection is earnestly solicited.

Claims 1, 2 and 14-19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hunger (DE 3,530,467, see translation) in view of Wood (U.S. Patent No. 2,960,352).

It is respectfully submitted that the combination of Hunger and Wood would not render the claimed invention obvious. Hunger discloses a coupling hook 4 and a wear-ring 3 together forming a closing mechanism of a fifth wheel, wherein both parts 3, 4 comprise an anti-friction coating 5, 7. A person of ordinary skill in the art learns from Hunger that a coupling hook and a wear-ring having an anti-friction coating respectively, should expressly not receive any lubrication, see Object of the Hunger Invention and discussion of the cited documents EP 58 732 and U.S. 3,337,277, in order to create a maintenance-free coupling.

Consequently, in view of Hunger, a person of ordinary skill in the art would not look to the Hunger reference for guidance if he wants to improve, as claimed, a system for lubricating a closing mechanism on fifth wheels.

Even if one would attempt to transfer the features of Wood into a device of Hunger, he would not arrive at the invention claimed in independent claim 1.

Hunger does not disclose the following features set forth in independent claim 1:

- i) a system for lubricating a closing mechanism,
- ii) a grease reservoir being connected by a lubricating line to the closing hook,
- iii) the grease reservoir being a grease cartridge, and
- iv) the grease cartridge being arranged on the fifth wheel.

Regarding Hunger lacking a system for lubricating a closing mechanism, on page 4 of the Office Action, last three lines, the Examiner states regarding Wood, "Since the grease cartridge (see previous definition) works with the fifth wheel (carrying member 10) to lubricate the kingpin (16; see lines 28-33), the grease cartridge (see previous definition) is coordinated with the fifth wheel (carrying member 10)." (Emphasis added) The Applicants agree with the Examiner. However, according to the claimed invention, the closing mechanism, e.g., the closing hook, has to be lubricated and not the king pin.

Hence, neither Hunger nor Wood disclose a system for lubricating a closing mechanism as claimed in independent claim 1.

Regarding the Feature ii) of a grease reservoir being connected by a lubricating line to the closing hook, the Examiner states that Wood discloses a system for lubricating a closing mechanism consisting of a first portion 20 and a second portion 21. A person of ordinary skill in the art recognizes that said “closing mechanism” of Wood and the “wear-ring” (reference no. 3) of the Hunger document are identical. The application also discloses a bearing opening 22 being surrounded by a closing ring 14 in the manner of a half shell. The closing ring 14 is made from a high impact-resistant plastic material and can be easily replaced after reaching its maximum wear, see specification page 10, paragraph [0041]. Therefore, the closing ring 14 must be different from the closing hook 4.

Even if one of ordinary skill in the art would consider naming the “wear-ring” as a “closing mechanism,” he could still not find any scope and content in the Wood reference to connect a grease reservoir with the closing hook as claimed. The Examiner discusses the closing hook as a “closing mechanism” in the form of the two-part wear ring consisting of portion 20 and portion 21 of carrying or coupler member 10. Coupler member 10 according to Wood has a split design, wherein both portions 20 and 21 are fitted together via a spring 25 in order to provide for self-adjustment or automatic adjustment. None of portions 20, 21 are able to lock the king pin 16 in opening 11 comparable with a closing hook because spring 25 is not appropriate to hold the forces of the king pin during vehicle operation.

Accordingly, due to the lack of a closing hook, neither Hunger nor Wood teaches a grease reservoir being connected with a closing hook, as claimed in independent claim 1.

According to the Examiner’s definition, the coupling hook is identical with portion 20, see Office Action, page 4, second full paragraph, lines 1-2, and the grease cartridge is identical with the reservoir, defined by pathway from port 17, 18, 19 to the lubricant carrying material 13, from point 15 to saw cut 22. In other words, the Examiner states the grease reservoir, with respect to Wood, is the “closing hook.” When removing the

grease reservoir shown in the Wood reference, the closing hook would also disappear, according to the Examiner's interpretation.

If the reservoir is located in/on the "closing hook" (portion 20), the "lubricating line" also has to be located on the closing hook due to the fact that the grease cartridge and the closing are connected via the lubricating line. Therefore, the cited pathways from groove 12 to ports 17, 18 located on the second portion 21 cannot be considered as a "lubricating line." According to the Examiner, the remaining pathway from groove 12 to port 19 (located in portion 20) already defines the grease cartridge. Consequently, there is not shown any "lubricating line" with respect to the claimed invention in the Wood reference.

With respect to Feature iii), it is respectfully submitted that Wood does not include a scope and content that includes a grease cartridge. The shown lubricant carrying material 13, such as felt, is located in the two-part wear ring (portion 20, 21) and supplied with lubricant through ports/couplings/members 17, 18 and 19. Those members are grease fittings to permit grease to travel into the groove in the felt retainer/lubricant-carrying material 13, see Col. 2, lines 34-36 in Wood.

The known open bores and a strip of felt inserted into a groove fail to define a closed container like a cartridge as claimed. As known by those of ordinary skill in the art, a cartridge is a case or container for holding a supply of material for a larger device into which it is inserted. Wood clearly has a scope and content that does not disclose a cartridge as defined by the specification of the present invention.

Finally, neither Wood nor Hunger teaches a grease cartridge being arranged on the fifth wheel.

Claims 3-12 and 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hunger in view of Wood and Hartl (U.S. Patent 5,417,308). Claim 13 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hunger, in view of Wood, Hartl and Schedratl et al. (U.S. Patent No. 5,438,881).

The newly presented references cannot offer any further teaching or suggestion that would render the features lacking in the Hunger and Wood references.

It is believed that the claims are in condition for allowance and a notice of such is earnestly solicited. Should the Examiner have any questions or concerns regarding this response, a telephone call to the undersigned is greatly appreciated in order to expedite allowance of the application.

Respectfully submitted,

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